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Letter dated 12 June 2013 from the Permanent Representatives of Iraq and Kuwait to the United Nations addressed to the Secretary-General

The Governments of the State of Kuwait and the Republic of Iraq, mindful of the purposes and principles of the Charter of the United Nations, the principles of international law and, in particular, the principles of mutual respect for independence and equal sovereignty, territorial integrity, the promotion of friendly relations and non-interference in internal affairs; desirous of developing bilateral relations for the benefit of their two kindred countries; acting in accordance with Article 102 of the Charter of the United Nations; have the honour to deposit a copy of the memorandum of understanding concluded on 28 May 2013 between the Ministry of Foreign Affairs of the State of Kuwait and the Ministry of Foreign Affairs of the Republic of Iraq concerning practical arrangements for the maintenance of the physical representation of the boundary in accordance with Security Council resolution 833 (1993) (see annex).

We should be grateful if the present letter and its annex could be circulated as a document of the Security Council.

On behalf of the Government of the State of Kuwait
(*Signed*) Mansour Ayyad S H A **Alotaibi**
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of the State of Kuwait to the United Nations

On behalf of the Government of the Republic of Iraq
(*Signed*) Mohamed Ali **Alhakim**
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of the Republic of Iraq to the United Nations

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Annex to the letter dated 12 June 2013 from the Permanent Representatives of Iraq and Kuwait to the United Nations addressed to the Secretary-General

Memorandum of understanding between the Ministry of Foreign Affairs of the Republic of Iraq and the Ministry of Foreign Affairs of the State of Kuwait concerning practical arrangements for the maintenance of the physical representation of the boundary

The Ministry of Foreign Affairs of the Republic of Iraq and the Ministry of Foreign Affairs of the State of Kuwait (hereinafter referred to as "the Parties"),

Recalling Security Council resolution 833 (1993) adopted by the Council at its 3224th meeting on 27 May 1993,

Recalling the letter dated 21 May 1993 from the Secretary-General of the United Nations to the President of the Security Council, and the report of the United Nations Iraq-Kuwait Boundary Demarcation Commission dated 20 May 1993 and contained in documents S/25811 and Add.1,

Recalling the recommendations of the Commission in respect of practical arrangements for the maintenance of the physical representation of the boundary, which are set forth in section X of the report,

Desirous of consolidating the progress made following the completion on 31 March 2013 of the work of the United Nations technical team, including the emplacement and demarcation of the boundary markers, in accordance with Security Council resolution 833 (1993),

Determined to develop bilateral relations for the benefit of the two kindred countries,

Acting in accordance with paragraph 105 of the final report of the Commission, which is contained in document S/25811 and was endorsed by Security Council resolution 833 (1993),

Emphasizing paragraph 6 of Security Council resolution 833 (1993), which provides as follows:

> *underlines and reaffirms* its decision to guarantee the inviolability of the above-mentioned international boundary which has now been finally demarcated by the Commission and to take as appropriate all necessary measures to that end in accordance with the Charter, as provided for in paragraph 4 of resolution 687 (1991) and paragraph 4 of resolution 773 (1992).

Have agreed as follows:

Article I

A joint technical committee (referred to hereinafter as "the Committee") comprising experts from each country shall be established in order to maintain the physical representation of the boundary agreed between the two countries in accordance with Security Council resolution 833 (1993).

Article II

The Committee shall have the following tasks:

(a) Inspecting the pillars and markers on the Iraq-Kuwait boundary on an annual basis; ensuring that consecutive boundary pillars are intervisible; removing any obstacles to intervisibility;

(b) Verifying the witness markers of the boundary pillars and the pointer pillars;

(c) Taking the necessary action to re-erect, repair or replace the pillars and markers as required;

(d) Assessing the adequacy of boundary markers and putting in place any additional markers deemed useful, such as sign-posts, pillars or other markers;

(e) Ensuring that there is a paved road on either side of the boundary in order to facilitate access to the pillars.

Article III

The Committee shall meet on an annual basis every March, alternating between the two countries. It may hold other meetings during the year as necessary.

Article IV

The Committee shall address any and all problems regarding the boundary pillars and assess their adequacy.

Article V

The border security forces command of each country shall coordinate through the continuous exchange of information in order to preserve the boundary pillars, pointer pillars and witness markers.

Article VI

If the Committee is unable to perform the functions set forth above, the Parties shall consult with one another in order to resolve the dispute in a manner consistent with the provisions of Security Council resolution 833 (1993).

Article VII

A copy of this memorandum of understanding shall be deposited with the United Nations in accordance with Article 102 of the Charter of the United Nations.

Article VIII

This memorandum of understanding shall enter into force on the date of its signature.

This memorandum of understanding was drawn up in Kuwait City on Tuesday, 18 Rajab, A.H. 1434 (28 May, A.D. 2013) in two original copies in the Arabic language.

(*Signed*) Sabah Khalid Al Hamad **Al Sabah**
Deputy Prime Minister and Minister for Foreign Affairs
of the State of Kuwait

(*Signed*) Hoshyar **Zebari**
Minister for Foreign Affairs of the Republic of Iraq